



**City Council
Regular Meeting
Trinity, NC
June 15, 2015 @ 6:00 p.m.**

Members Present: Mayor, Jesse Hill; Mayor Pro-Tem, Debbie Frazier, Council members, Jack Carico, Linda Gantt, Ed Lohr, and Chester Ayers.

Council members Absent: Gene Byerly, Jerry Daniels, and Don Payne.

Others Present: City Manager, Debbie Hinson; City Attorney, Nick Herman; Assistant Finance Officer, Lisa Beam; Assistant City Clerk, Annette deRuyter; Interim Planning Director, Marc Allred; Public Works Director/Stormwater Administrator Rich Baker; Deputy, Eric Wilson; and other interested parties.

I. Welcome (*Mayor Jesse Hill*)

Mayor Hill called the meeting to order at 6:00 pm and welcomed those present.

II. Pledge of Allegiance and Invocation

Mayor Hill led the Pledge of Allegiance and gave the Invocation.

III. Approve and/or Amend Agenda

Manager Hinson asked to amend the agenda to include **Closeout Hearing for CDBG Hook-up Grant** as Item # 4 under Public Hearings. Yvonne Jansen from Benchmark is here to present this item and answer any questions.

Council member Frazier made a motion to approve the agenda with the addition. The motion was seconded by Council member Carico and approved unanimously with a vote of 5 ayes and 0 nays with Council members Byerly, Daniels, and Payne absent.

Item # 4 Close out Hearing for CDBG Hook-up Grant will be added to this Agenda per the amendment under Public Hearings

A. Action Item Report (City Manager)

City Manager Hinson reviewed the Action Item Report from the June 08, 2015, Pre- Agenda Meeting. (See Exhibit 1 attached).

B. Public Comment

None

IV. Recognition Proclamations

Mayor Hill opened this item and proceeded with plaque presentations.

(a) Teacher of the Year, Randolph County, Ms. Sherry Yahya.

Ms. Yahya was unable to attend tonight's meeting. Staff will contact Ms. Yahya to arrange delivery or presentation of the plaque by Mayor Hill at a later date.

(b) Spelling Bee Champ, Randolph County, Hannah Meyer.

Mayor Hill opened this item and presented the plaque to her in recognition of her achievement as the Spelling Bee Champ in North Carolina.

V. Consent Agenda

- 1. Approve minutes of the May 04, 2015 City Council Special Meeting/Rescheduled from April 30, 2015.** *(Annette de Ruyter, Assistant City Clerk)*
- 2. Approve minutes of the May 11, 2015 City Council Pre-Agenda Meeting.** *(Annette de Ruyter, Assistant City Clerk)*
- 3. Approve minutes of the May 18, 2015 City Council Regular Meeting.** *(Annette de Ruyter, Assistant City Clerk)*

Council member Carico made a motion to approve Items 1 thru 3. The motion was seconded by Council member Gantt and approved unanimously with a vote of 5 ayes and 0 nays with Council members Byerly, Daniels, and Payne absent.

VI. Public Hearings

4. Close Out Hearing for CDBG Hook-up Grant *(Yvonne Jansen, Benchmark)*

Mayor Hill opened the Public Hearing and called on Ms. Jansen for presentation of this item.

Ms. Yvonne Jansen from Benchmark explained the purpose of this hearing was to allow the close out of the CDBG Hook-up Grant by the June 30, 2015 deadline. This grant began June 2012 with the hopes of hooking up 25 residents. As of January 2015 there were only 10 recipients hooked up. We continued to seek and qualify other Grant recipients but were unsuccessful.

The only remaining item required for this grant after this Public Hearing will be a monitoring visit by the State.

Ms. Jansen called for questions.

Hearing none, Mayor Hill opened the Public Hearing to anyone who wished to speak for or against this item. There were no comments made for or against this topic. Mayor Hill closed the Public Hearing.

4a. Rezoning of Parcel #s: 6797445044, 6797432413, & 6797433047 on NC Hwy 62
(Marc Allred, Interim Planning Director)

Mayor Hill opened this topic and called on Mr. Allred, Planning Director to address this item.

Mr. Allred explained that the applicant had requested a rezoning to R-12 (3 houses per acre) on the 3 parcels listed above which are currently partially zoned R-40 (1 house per acre) and Highway Commercial. This property was originally rezoned in 2004. The Land Use Plan identifies these parcels location within the Regional Center which allows for R-12 development.

The total acreage of the parcels together is 29.1. There is what I define as a wetlands pond on the property that will be occupied by BBQ Joe's formally Smokey T'S. This pond was originally used for construction purposes. There is a stream in the northern part of the property that was once a 7 acre pond. The average slope of this property is 6%. The Stormwater issues will be identified on the actual site plan.

The developers will extend sewer lines to the parcels. The developer is proposing to extend the sewer line from the Colonial Circle site to the R-12 developments. There is currently no change in transportation plans concerning NC Highway 62 at this time. The current average day traffic is approximately 6,500. There are no petitions or anything of that nature.

Mr. Allred called for questions regarding the rezoning request as presented.

Council member Ayers asked about the Stormwater/Pond device in regards to the Ordinance and was it included in the requested change.

Stormwater/Public Works Director Rich Baker commented that the pond being referred to as a "stormwater pond" is actually a sediment trap and is not acting as a stormwater device. This was set up for the entire 8 acres when Smokey T'S was developed. This is now the BBQ Joes location. With this business only it does not achieve the 24% impervious surface and is not required until something else moves on the parcel. The developer has told me at that point (when development achieves 24%) there are plans to handle this located in the bottom of this property on an internment stream. There are various ways to handle this runoff such as wet pond. I suggested establishing a wetland area since it treats the water much better.

Council member Ayers discussed an earlier proposal for a grant to assist with the development of this pond.

Mr. Baker stated that this option had been explored when another business was considering locating on this property.

Council member Ayers asked what kind of compliance can be guaranteed that the water runoff will be taken care of properly.

Mr. Baker stated that it would have to go through his office and be signed by the engineer that the device will serve the entire area.

Council member Ayers and Mr. Baker discussed when the runoff issue would be addressed. Mr. Baker stated that prior to the issuance of a permit for additional businesses or houses that would trigger the need for stormwater treatment, the stormwater issues must be addressed. A permit would not be allowed without a way to treat the water.

Council member Ayers asked if the land owner would be responsible for handling whatever came from the commercial site.

Mr. Baker replied yes.

Council member Gantt asked if the stormwater pond would be left at the current location.

Mr. Baker stated that it did not need to be left if he wishes to move it further down on the property.

Council member Gantt asked if that would be serving the development that would be coming to this location.

Mr. Baker shared with Council members that he had seen the plans for the development and it may not exceed the 24% rule on the housing development and that water would not need to be treated. His concern was the commercial development. If any other business goes in this location the runoff water will have to be treated.

Council member Ayers discussed his concerns that the current pond location was there because of the commercial property. Now this will be done away with and moved to another part of the property. All we have is a word that it will be taken care of.

Mr. Baker reiterated that no permits would be issued without addressing the stormwater runoff issues. They can't build without a permit. The device that is currently located at the site is only required during actual construction to capture the sediment and capture runoff until vegetation is established. The current sediment pond could be covered now and the owner would still be in compliance.

At this time Mayor Hill opened the Public Hearing and called for anyone who would like to speak for the request. Hearing none, Mayor Hill called for anyone who would like to speak against the request. Hearing none, Mayor Hill closed the Public Hearing.

Mayor Hill called for staff recommendation.

Mr. Allred replied that staff recommends rezoning to help provide the population and roof tops needed with the Regional Center as far as commercial growth in that area. This request was also recommended favorably by the Planning Board.

Council member Ayers addressed Attorney Herman asking when there are two separate parcels like this and one parcel may be affecting the water runoff of another parcel, is it required that the R-12 property take into consideration what the requirements would be to the highway commercial portion should other business go there. He commented that he was asking for clarification because there were two separate properties and did not want problems to occur later. The current pond is on the commercial property but if this is approved the device will go with the new property. He asked Mr. Baker if this pond could be used to treat water runoff.

Mr. Baker answered that was right. However, this pond technically is currently located off site. They did not have enough room with their major plan for the eight acre development to have a stormwater device. The pond is on a different parcel currently as an offsite device. This happens often and for example the runoff could be pumped to Greensboro as long as it gets treated before it gets in the drinking water. A permit would not be allowed because they would not be in compliance with the 24% rule.

Council member Gantt asked if this development exceeded the 24% rule would that affect the acreage that is currently zoned commercial.

Mr. Baker replied that if the developer was planning on installing the device on this property and they are over the 24% the device will have to be designed to handle everything on the residential side along with the 8 acres.

Council member Frazier made a motion to approve the rezoning of parcels 6797445044, 6797432413, & 6797433047 to R-12 based on the facts that it is consistent with the City of Trinity's Land Use Plan.

Prior to a second, Attorney Herman asked Mr. Allred, Interim Planning Director if he could state for the record the ways in which this rezoning would be consistent with the Comprehensive Plan other than to just say that it is.

Mr. Allred stated for the record ***it is consistent with the Land Use Plan because in our Land Use Plan the Regional Center allows R-12 zoning.***

Attorney Herman asked Council member Frazier if she would conclude that as the reason with her motion.

Council member Frazier answered yes

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The motion was seconded by Council member Lohr and approved with a unanimous vote of 6 ayes and 0 nays with Council members Byerly, Daniels and Payne absent.

4b. Add General Zoning Requirement tables underneath each zone

(Marc Allred, Interim Planning Director)

Mayor Hill opened this item and called on Mr. Allred to brief those present concerning this request. Mr. Allred stated that adding General Zoning Requirements would simplify the Zoning Ordinance and make it easier for developers and local citizens to read and understand. This section includes a quick table reference that will guide the reader what is allowed in a particular use. From this point on a lot of the categories will have page number locations that will lead you to another section.

Mr. Allred reviewed the tables (7-1 thru 7-20 attached at the end of these minutes labeled exhibit B). There were no questions concerning the changes in this section.

No questions or changes to information presented.

4c. Change Car Wash options in Permitted Uses Table

(Marc Allred, Interim Planning Director)

Mr. Allred reviewed the table relating to this use (page 7-39 and attached at the end of these minutes labeled exhibit C.)

Mr. Allred informed Council members that the changes made for this item per Council's request reflects that all car washes now have to get Special Use Permits.

No questions or changes to information presented.

4d. Remove Highway Commercial from Curb and Gutter and modify RM-U to Valley Curbs.

(Marc Allred, Interim Planning Director)

Mr. Allred informed members that this removes Highway Commercial from Curb and Gutter and to modify RMU to Valley Curbs.

Highway Commercial will not be required to have Curb and Gutter and any RMU would be required to at least have Valley Curb and Guttering.

(Changes are shown on page 13 and attached at the end of these minutes labeled Exhibit D)

No questions or changes to information presented.

4e. Remove Multi-Family Residential District & Village Center District.

(Marc Allred, Interim Planning Director)

Mr. Allred referred to page 7-6 regarding the Multi-Family District. The City no longer has this zoning and this change has been made as a clean-up because it no longer exists. (Page 7-6 is attached at the end of these minutes labeled Exhibit E.)

The Village Center is the idea of a traditional downtown type idea for the City of Trinity. At our Special Meetings, the Council felt that the growth of the City is along its highways not along a traditional downtown area. The Village Center is located on pages 7-15 thru 7-19. (These pages are attached at the end of these minutes labeled Exhibit E.)

There are currently four properties that are zoned Village Center. The owners of 3 of these properties decided they would go back to the previous zoning. If these are removed, 3 of these properties will become R-40 and 1 property will be Highway Commercial.

Questions:

Council member Ayers asked if a Public Hearing was needed since this is considered a rezoning.

Mr. Allred replied that if the City was removing the zoning Village Center these properties must be given some sort of zoning. These 4 properties will revert back to their original zoning.

Attorney Herman confirmed that this change happened automatically by virtue of this change and no Public Hearing is needed.

4f. Remove Gateway, Old Town, and Surrett Dr. Overlay *(Marc Allred, Interim Planning Director)*

Mr. Allred began this review by discussing the Gateway and the restrictions it placed on growth around the City's corridors.

The idea during review of this section for the Overlays listed above was to remove them and add the items that we want for each Zoning District.

He reviewed the areas covered by these Overlays as shown below.

Gateway Overlay: extends from NC Highway 62 at Thomasville/Trinity limits to the Surrett Drive/62 Interchange.

Surrett Drive Overlay: extends along Surrett Drive and covers the area from the Surrett Drive/62 Interchange up to the City boundary.

Old Town Overlay: begins at Surrett Drive/62 Interchange and extends to the beginning boundary of Archdale.

This amendment removes the Overlays but the restrictions that Council wanted to keep are included in each Zoning District.

No questions or changes to information presented.

At the conclusion of Mr. Allred's presentation, Mayor Hill opened the Public Hearing and called for anyone who wished to speak for the request. Hearing none, he called for anyone who wished to speak against the request. Hearing none, Mayor Hill closed the Public Hearing.

Hearing no further discussion or questions, Mayor Hill called for a motion regarding the proposed text amendments.

Council member Ayers made a motion to accept changes 4b thru 4f. The motion was seconded by Council member Frazier and approved unanimously by a vote of 5 ayes and 0 nays with Council members Byerly, Daniels and Payne absent.

VII. New Business

5. Proposed Budget Amendments 2014-2015

(Lisa Beam, Assistant Finance Officer)

Mayor Hill opened this item and turned the discussion of this item over to Manager Hinson. Manager Hinson called on Ms. Beam to present the proposed Budget Amendments.

Ms. Beam reviewed Budget Amendments 1 thru 8 as follows:

BA #1: Governing Board: Reflects a change between line items only in the amount of \$2,000.00 and does not change the total department budget. This amendment is for accounting purposes only.

BA #2: Administration: Reflects a change between line items only and does not change the total department budget. This amendment is for accounting purposes only.

BA #3: Planning and Zoning: This amendment reflects a change in the department's budget and decreases the Stormwater's budget. The net effect of General Fund budget total is \$0.00

BA # 4: Streets: Reflects a change between line items only and does not change the total department budget. This amendment is for accounting purposes only.

BA #5: Public Buildings: This amendment reflects a change in total budget for this department as a result of the new building. The amount of the increase in this department was \$142,851.00. This will affect total General Fund Budget with an appropriation from Fund Balance.

BA# 6: Stormwater and Sanitation: Reflects a change between line items only in Stormwater. Sanitation reflects a change between line items. This amendment represents a change in line items only and does not change the original department budget for Stormwater or Sanitation.

BA #7: Powell Bill: This budget amendment does have an effect on the General Fund. It increases Powell Bill revenues by using reserved funds to account for increases in expenditures required to prevent loss of revenues for the 2015/2016 Budget. This resulted in a change of \$305,330.00.

BA # 8: Sewer: Sewer Fund budget has increased to include extra payments for phase 3 and 4 as well as the amount that was returned for Phase 4 \$268,540.00. These payments will be applied directly to the principle and each of these loans. Phase 5 payment increased due to closing. Only interest was budgeted for this payment.

Ms. Beam called for questions.

Council member Ayers discussed the amount shown of Budget Amendment # 5 regarding the amount listed and called for clarification.

Manager Hinson addressed the question commenting that there was a typographical error on this amendment and would correct the beginning balance from 0 to \$122,000.00.

Council member Frazier made a motion to approve amendments 1-8. The motion was seconded by Council member Ayers and approved with a vote of 5 ayes and 1 nay Council member Lohr opposing. Council members Byerly, Daniels and Payne were absent.

6. Discussion of Streetlight Moratorium.
(Rich Baker, Public Works Director)

Mayor Hill opened this item and called on Mr. Baker for review of this item.

Mr. Baker began the review by commenting the city has had a moratorium placed on petition request for streetlights for a few years.

This was taken to the Infrastructure Board as directed for their review. They recommended approval to lift the moratorium and to keep the same order.

There are five streetlight petitions that have been verified and approved waiting in a certain order. Council has the ability to change the order or leave it as is.

If the moratorium is lifted, installation of streetlights is a very slow process. It was his opinion that it would take 2 ½ to 3 years to complete these 5 projects.

At this time, Mayor Hill called on Ms. Rush to speak regarding this issue.

Lucy Rush: 5372 Grey Oak Road: Ms. Rush asked that the moratorium be lifted on the Streetlights and to take into consideration the order for completing the projects. This is needed for a safety issue for her as a senior citizen and other residents of Trinity. The safety issues are the number of wooded areas in Trinity as well as for the children regarding the school bus situation. It is dark when the children go to school not just in my area but other areas of Trinity as well.

Ms. Rush said that she was not asking Council to consider decorative streetlights and wanted only the standard street lighting. She asked that Council consider streetlights for all areas of Trinity especially Trinity Road and Gray Oak Road.

At this time, Mayor Hill called for discussion and a motion for removal of the Streetlight Moratorium with a date that Council would like to have this change become effective.

Council member Frazier asked Attorney Herman if the review of the Streetlight Policy had to be completed before the moratorium could be lifted.

Attorney Herman replied no.

Council member Ayers referred his question to Attorney Herman and asked if it is necessary to lift the moratorium in order to either honor one or all of these projects. Could this be accomplished as an amendment of some and keep the moratorium intact?

Attorney Herman stated that the moratorium does not have to be lifted in order to authorize the Infrastructure Committee to review the policy.

Council member Ayers called for clarification and asked if Attorney Herman was saying the City may keep the moratorium intact and still allow for these projects to be done.

Attorney Herman said to be discussed. As long as there is a moratorium, nothing will happen. The moratorium needs to be lifted in order to act upon the petitions. Moratoria is only favored under the law for a short and reasonable period of time. There are many reasons why this is a good matter for the Council to consider at this time.

Council member Frazier discussed her personal opinion regarding the reason for the moratorium. At the time the Council enacted a moratorium on this was because our state funding was in question. It was her personal opinion that just as with any other policy it needs to be reviewed from time to time and changes need to be made. Her biggest issue was to have the Infrastructure Committee to actually review the Policy. She felt that was not done during their discussion on the moratorium.

She did not see a reason why the moratorium could not be lifted so the City can proceed with these 5 projects. These 5 projects have already been approved by Council. This would give Council time to review with the Infrastructure Committee the Policy and make any changes they may or may not want to make.

Attorney Herman commented that a motion could be made to both effects that would include motion to lift the moratorium, and two, to instruct the Infrastructure Committee to review the Policy.

Council member Carico discussed his feelings concerning the moratorium and review of the Policy. He was not against lifting the moratorium, but was not in favor of any change to the 75% percent to validate a petition required under the current Policy.

Council member Lohr felt the moratorium should be lifted tonight and offered a motion to do so.

Council member Carico asked for further discussion prior to the decision concerning this item. He asked Mr. Baker if the lights being used are the most reasonable in cost and efficiency such as LED lighting. It was his opinion that even if the LED lighting was more expensive we should investigate if it would cost less in the final analysis to install more efficient lighting.

Mr. Baker replied that the City generally goes with the cheapest lighting that is possible and agreed to look in to the cost of more efficient lighting options that may be available.

Council member Frazier made a motion to lift the moratorium on the streetlights effective June 15, 2015 by Council member Frazier. The motion was seconded by Council member Lohr with Council members Byerly, Daniels and Payne absent.

Prior to a vote the following questions were discussed regarding this issue.

- If the moratorium is removed, will residents be able to start putting in applications for more streetlights based on the policy now or shouldn't the policy be changed first.

Attorney Herman responded that it can be changed before or after since the Council still has control over what comes before them. Lifting this moratorium allows those in the pipeline to proceed.

- If we want to change the Ordinance or Policy or the order in which these projects will be completed will that be allowed if this is done tonight.

Attorney Herman responded that changes can be made and called on Mr. Baker for confirmation.

Mr. Baker replied that Council may change the order at any time but would not like to have the project order changed if the City was in the middle or close to getting ready the packet to be sent to Duke Energy and installation of the project was set to begin soon.

- As these projects progress should something come up in the budget that would require that Council at that time evaluate this program and possibly stop it could that be done?

Attorney Herman, Manager Hinson and Mr. Baker all replied yes.

- Do all of the major roads have streetlights?

Mr. Baker commented that the major interchanges were completed and includes Fairview Church and Meadowbrook. Trinity Road and Finch Farm are not done.

- Wasn't the purpose of the Policy to complete the major roadways first?

Mr. Baker commented the city was doing this on a first come first serve basis by petition. The order was changed by a previous Council as they felt it would be more sensible to complete lighting at the interchanges first since that is where they expected growth. Council does have the option to change the order.

Council member Gantt discussed her concern that the state could withhold or take the funding used to pay for this program at any time. If that should happen the City will still be responsible for the electrical charges generated from the streetlights. She felt the citizens needed to be aware that this could happen and it was her opinion that the City could not continue adding streetlights due to the cost.

Mayor Hill commented this is when the Council would reinstate the moratorium. Council member Frazier commented that is where Council would look at making changes to the Policy.

With no further discussion, Mayor Hill called for a vote on the motion.

Council member Frazier made a motion to lift the moratorium on the streetlights effective June 15, 2015 and that the Streetlight Policy be sent to the Infrastructure Committee for discussion and recommendation to Council. The motion was seconded by Council member Lohr and approved unanimously with a vote of 5 ayes and 0 nays with Council members Byerly, Daniels, and Payne absent.

7. Discussion Regarding Streetlight Policy Review. (City Manager)

This item was discussed in conjunction with Item # 6. The motion for action on this item is included in the motion for Item # 6 and is listed below.

Council member Frazier made a motion to lift the moratorium on the streetlights effective June 15, 2015 and that the Streetlight Policy be sent to the Infrastructure Committee for discussion and recommendation to Council. The motion was seconded by Council member Lohr and approved unanimously with a vote of 5 ayes and 0 nays with Council members Byerly, Daniels, and Payne absent.

8. Revision to Powell Bill Expenditures (Rich Baker, Public Works Director)

Mayor Hill opened this item and called on Mr. Baker for comments and briefing.

Mr. Baker explained the Manager had asked that he come up with a contingency plan since we are experiencing some difficulties getting the warranty work completed on Osborn Street so the Overlay can be completed by the end of the month.

What this plan does is give the City the ability to utilize funds to complete Morgan Street at this time.

A motion was made by Council member Frazier to revise the contingency Powell Bill Expenditures. The motion was seconded by Council member Ayers and approved unanimously by a vote of 5 ayes and 0 nays with Council member Byerly, Daniels and Payne absent.

VIII. Code Enforcement Report and Permits Report

9. Review Code Enforcement and Permits Reports (Marc Allred, Interim Planning Director)

Mr. Allred stated there were 8 cases in May and 7 were closed with one still open from 6410 Mendenhall Road. There has not been any response about the citations that have been sent to the resident and therefore a notice was sent to the Attorney stating that there has been enough time given to comply with the criteria. If the owner does not comply he will be invoiced for the fines and if not paid the City will use the Debt Set Off program in an attempt to collect unpaid invoices. Should this resident receive a state refund the City would receive payment in part or fully. Payment is based on the amount of return.

Attorney Herman assured Council there were many mechanisms to make them comply. I am trying to avoid the expense the City will have to pay to make that happen.

Discussion continued concerning the length of time that this violation had been on the books for the City. Council member Frazier referenced the amount of time elapsed concerning this violation and felt that this needed to be handled.

Mr. Allred replied that the City is at the fining stage for this violation.

Attorney Herman commented that Council could instruct that this violation be dealt with more aggressively.

Council member Frazier discussed with Attorney Herman aggressiveness for this violation. It was her opinion that Council has asked for this violation to be dealt with more aggressively and instructed Attorney Herman to be aggressive. We have had the same violators for some time now and feel that it would be a good thing to implement.

Mr. Allred discussed an alleged junk yard on a resident's property on Prospect Street.

Mr. Allred stated that a property that has a Land Use that is Non-Conforming to our Zoning Ordinance but has been grandfathered in; even if the land owners change, the Land Use would not change.

Attorney Herman stated that the Ordinances can have an amortization provision for nonconforming uses. The City does not have one. Nothing prevents the Council from establishing an amortization provision.

IX. Business from City Manager and Staff

Manager Hinson asked that a Budget Meeting be scheduled for the following week June 18, 2015.

Staff informed Council of the upcoming scheduled pick-up in honor of Jacob Carroll on June 19, 2015.

X. Business from Mayor and Council

None.

XI. Adjournment

Motion by Council member Frazier to adjourn the June 15, 2015 Regular City Council Meeting at 7:23 pm. The motion was seconded by Council member Ayers and approved unanimously with a vote of 5 ayes and 0 nays with Council members Byerly, Daniels and Payne absent.